

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

**DAVID MONTOYA and
MICHAEL MONTOYA,**

Plaintiffs,

v.

No. CIV-10-360 JB/WDS

**GERALD SHELDON, an Officer Employed
by the Albuquerque Police Department, a Subsidiary
of the City of Albuquerque, Individually and in his Official Capacity,
ANGELO LOVATO, an Officer Employed
by the Albuquerque Police Department, a Subsidiary
of the City of Albuquerque, Individually and in his Official Capacity,
THE CITY OF ALBUQUERQUE, and
THE ALBUQUERQUE POLICE DEPARTMENT,**

Defendants.

PLAINTIFFS' FIRST AMENDED EXHIBIT LIST

COMES NOW, the Plaintiffs by and through Counsel, Timothy M. Padilla and Associates, P.C. (Timothy M. Padilla and Ignacio V. Gallegos) and Gorence & Oliveros, P.C. (Louren Oliveros), and respectfully submit the following list of exhibits which may be used at trial on behalf of the Plaintiffs:

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| Exhibit 1 | David Baldwin's Medical Note for Michael Montoya |
| Exhibit 2 | Field Investigator Photographs of Shelden |
- a. Front
 - b. Left side
 - c. Right side
 - d. Back
 - e. Front – hands raised

Exhibit 3 Field Investigator Photographs of Lovato

- a. Front
- b. Left side
- c. Right side
- d. Back
- d. Front – hands raised

Exhibit 4 Field Investigator Photographs of David Montoya

- a. Front
- b. Left side
- c. Right side
- d. Back - whole body
- e. Front – face and shoulders
- f. Front – face left side
- g. Front – left eye
- h. Back - hands

Exhibit 5 David Montoya Photo

- a. Face
- b. Right arm
- c. Feet
- d. M. Montoya's foot

Exhibit 6 Gerald Shelden (Unit F225) Communication and Dispatch (CAD)
printout

Exhibit 7 Angelo Lovato (Unit F226) CAD printout

- Exhibit 8 CAD recording of VAL DP 1300-1515
- Exhibit 9 National Climatic Data Center's Weather History
- Exhibit 10 Bernalillo County Metropolitan Court Routing Slip pertaining to this incident for Michael Montoya
- Exhibit 11 Bernalillo County Metropolitan Court Routing Slip pertaining to this incident for David Montoya
- Exhibit 12 Audio CD (Tracks 1 through 6) of the Internal Affairs Investigation I-104-11 provided by the City of Albuquerque regarding Angelo Lovato and Anna Chavez
- Exhibit 13 CD video of the Internal Affairs Investigation I-104011 provided by the City of Albuquerque regarding Angelo and Anna Chavez
- Exhibit 14 CD of photographs Internal Affairs Investigation 1-104-11 provided by the City of Albuquerque regarding Angelo Lovato and Anna Chavez
- Exhibit 15 Investigative snapshots of the Internal Affairs Investigation I-104-11 provided by the City of Albuquerque regarding Angelo Lovato and Anna Chavez

Any exhibits used by the Defendants;

Any exhibits identified in discovery; and

Any exhibits necessary for rebuttal or impeachment.

Respectfully submitted,

GORENCE & OLIVEROS, P.C.

/s/ Louren Oliveros 10/04/2012

Louren Oliveros No. NMSB 14689

Attorneys for Plaintiff

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed by CM/ECF to the counsel of record on this 4th day of October, 2012.

/s/ Louren Oliveros 10/04/2012

Louren Oliveros